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5 Attorneys for Defendant
Third Party Defendant MAYTAG CORPORATION, as
6 successor in interest and/or surviving corporation of
NORGE CORPORATION
7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 CALIFORNIA DEPARTMENT OF
TOXIC SUBSTANCES CONTROL,

12 Plaintiff,

13 v.

14 PAYLESS CLEANERS, et al.,

15 Defendants.
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17 RICHARD C. PETERS and RAMONA W.
PETERS, individually and as Trustee of the
18 PETERS FAMILY TRUST,

19 Third Party Plaintiffs,

20 v.

21 VICTOR STRAIN; NORGE
CORPORATION, MAYTAG
22 CORPORATION, as successor in interest
and/or surviving corporation of NORGE
23 CORPORATION; A. DODD CARR,
MARVEL L. CARR and DOES 1 through
24 50, inclusive,

25 Third Party Defendants
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CASE NO. CIVS-02-2389 LKK DAD

ASSIGNED FOR ALL PURPOSES TO
HONORABLE LAWRENCE K. KARLTON
COURTROOM 4

COMPLAINT FILED: 10/31/02
TRIAL DATE: NONE
SET

**STIPULATION TO STRIKE PRAYERS
FOR ATTORNEYS' FEES IN SECOND
AMENDED THIRD PARTY COMPLAINT
OF RICHARD C. PETERS AND RAMONA
W. PETERS, INDIVIDUALLY AND AS
TRUSTEE OF THE PETERS FAMILY
TRUST AND IN THE ANSWER THERETO
BY MAYTAG CORPORATION, AS
SUCCESSOR IN INTEREST AND/OR
SURVIVING CORPORATION OF NORGE
CORPORATION**

1 WHEREAS the parties hereto wish to resolve a dispute regarding their respective requests
2 for attorneys' fees without undue consumption of the Court's resources;

3 IT IS HEREBY AGREED AND STIPULATED by and between the parties hereto,
4 through their respective attorneys of record, that the parties' requests for attorneys' fees are
5 stricken, without prejudice, from the following pleadings:

6 1) The Second Amended Third Party Complaint of the Peters, p. 12, lines 13-14, and p.
7 16, line 19; and

8 2) The Answer to the Peters' Second Amended Third Party Complaint by Maytag
9 Corporation, as successor in interest and/or surviving corporation of Norge Corporation, p. 17,
10 line 8;

11 IT IS FURTHER AGREED AND STIPULATED by and between the parties hereto,
12 through their respective attorneys of record, that any party to this stipulation may bring a motion
13 to amend their respective pleading to request attorneys' fees in the event that further discovery
14 gives rise to such a prayer.

15 IT IS FURTHER AGREED AND STIPULATED by and between the parties hereto,
16 through their respective attorneys of record, that the Peters' pending motion to strike Maytag's
17 attorneys' fees, calendared for June 13, 2005, shall be taken off calendar. Should the Court not
18 sign the attached Order by June 30, 2005, the Peters may re-calendar their pending motion to

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1 strike Maytag's attorneys' fees. Maytag would not raise the passage of time as a defense to any
2 such re-calendaring and Maytag would not be prejudiced in opposing said motion.

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4 DATED: May __, 2005

SEDGWICK, DETERT, MORAN & ARNOLD LLP

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6 By: /signature on original
CURTIS D. PARVIN
7 RICHARD A. CRITES
Attorneys for Third Party Defendant MAYTAG
8 CORPORATION, as successor in interest and/or
surviving corporation of NORGE
9 CORPORATION

10 DATED: May __, 2005

GREBEN & ASSOCIATES

11
12 By: /signature on original
JAN A. GREBEN
13 JOSEPH B. ADAMS
Attorneys for Third Party Plaintiffs RICHARD C.
14 PETERS AND RAMONA W. PETERS,
individually and as Trustee of the PETERS
15 FAMILY TRUST

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18 **ORDER**

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20 IT IS SO ORDERED.

21 Dated: May 27, 2005

22 /s/Lawrence K. Karlton
Lawrence K. Karlton
23 Senior Judge